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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,826	07/09/2003	Masashi Dendo	A-9895	8139

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EXAMINER

SAETHER, FLEMMING

ART UNIT	PAPER NUMBER
3677	

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,826

Applicant(s)

DENDO, MASASHI

Examiner

Flemming Saether

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3 and 5-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3 and 5-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

Claims 3 and 5-10 are objected to because of the following informalities: The preamble to the claims are objected to because they should reflect that the claim are not simply directed to the grommet but, instead are to the combination or assembly with the screw since the screw is required for the determining the proper dimensions of the grommet. Appropriate correction is required.

Claim Rejections - 35 USC § 102

Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by the Japanese reference No. 49-25957. Japan '957 discloses a screw grommet (Figs. 3 and 4) comprising a flange (3), a shank (not labeled) having a cavity (4) therein capable of receiving a self tapping screw. The flange and shank are rectangular in cross section and a plurality of slits (5) bisecting all the sides of the rectangle.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 5-10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Japan reference 49-25957 in view of Kojima (US 4,293,260). Japan '957 shows a

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screw grommet (Figs. 3 and 4) comprising a flange (3), a shank (not labeled) having a cavity (4) therein capable of receiving a self tapping screw. The flange and shank are rectangular in cross section and a plurality of slits (5) bisecting all the sides of the rectangle. Japan '957 does not show the slits only along a portion of the axial length of the cavity. In the embodiment of Figs. 4-6, Kojima discloses a similar type grommet wherein the slits (10) extend only along a portion of the length of the cavity (4).

Considering the depth of the cavity and that the screw is intended to be inserted nearly the entire depth (see Fig. 2), the length of the slits is about half the length of the threads of the screw such that at least one pitch of the screw thread is engaged in the section of the cavity without slits. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to have the slits in Japan '957 extend only a portion of the length of the cavity as disclosed in Kojima so as to leave a portion of the cavity to receive the full threads of the screw such that the screw would better engage the grommet by allowing for the engagement of a complete thread. Kojima further discloses the grommet provided with protrusions (6) formed on the outer surface of the shank spaced from the flange (Fig. 6) and arranged diagonally to one another at the corners of the rectangular cross section of the shank and include a shoulder (6a) facing the flange and an inclined surface (6c) approaching the tip. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to provide the grommet of Japan '957 with protrusions as disclosed in Kojima in order to provide improved retention to the panel prior to insertion so that the grommet could be pre-assembled to the panel.

Claims 3 and 5-10 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima (US 4,293,260) in view of the Japan reference 49-25957. In the embodiment of Figs. 4-8, Kojima discloses a screw grommet comprising a flange (1), and a shank (2) having a rectangular cross section so that only the shank is received in a rectangular mounting hole (H). The grommet includes a cavity (4) therein receiving a tapping screw (3). Protrusions (6) are formed on the outer surface of the shank spaced from the flange (Fig. 6) and arranged diagonally to one another at the corners of the rectangular cross section of the shank. Each protrusion having a shoulder (6a) facing the flange and an inclined surface (6c) approaching the tip. With the claims given their broadest reasonable interpretation, the protrusions have an L-shape embracing the corners. Kojima discloses the shank to have axial slits (10) at positions corresponding to the center of all sides (see Fig. 7) dividing the sides along only a partial length of the cavity (see Fig. 6). Considering the depth of the cavity and that the screw is intended to be inserted nearly the entire depth (see Fig. 2), the length of the slits is about half the length of the threads of the screw such that at least one pitch of the screw thread is engaged in the section of the cavity without slits. Kojima does not disclose the flange having a rectangular cross section and also being divided by the slits. Japan '957 discloses a screw grommet (Figs. 3 and 4) comprising a flange (3) and shank (not labeled) having a cavity (4) therein capable of receiving a self tapping screw. The flange and shank are rectangular in cross section and a plurality of slits (5) bisecting all the sides of the rectangle. At the time the invention was made, it

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would have been obvious for one of ordinary skill in the art to replace the flange of Kojima with one as disclosed in Japan '957 since the rectangular flange would simply be a change in shape which may better accommodate a square hole by require less overhang and the slits further facilitate that end by allowing the flange to expand to fit the hole as is seen in Japan '957.

Response to Remarks

Applicant argues that Japan '957 fails to show the slits extending along only a portion of the axial length of the cavity. In response, since the Japan '957 reference supplied has not been translated and even appears to be incomplete is must be assumed that Japan '957 is limited to what is shown. Therefore, the examiner the examiner must agree that Japan '957 does not show the slits extending only along a portion of the length of the cavity. However, since many of the other cited reference disclose the slits extending only a portion of the length of the cavity as now relied upon by applicant for novelty, a new rejection was required.

Applicant's subsequent arguments are moot in view of the new grounds of rejection using a different combination of references. There are numerous references showing the different features of applicant's invention. The current combination is based on the realization that Tinnerman adds nothing to the combination of Kojima and Japan '957.

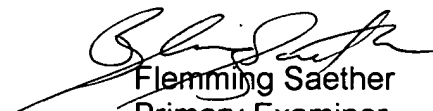
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 703-308-0182. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Flemming Saether
Primary Examiner
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